IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8721 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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GUJARAT FACTORY AND GENERAL KAMDAR UNION - Petitioner(s)
Versus
MANISH ORGANICS OF INDIA LTD & 4 - Respondent(s)

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Appearance :
MR RV DESAI for Petitioner(s) : 1,
MR DHARMESH V SHAH for Respondent(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 2 - 3.
NOTICE SERVED BY DS for Respondent(s) : 3, 5,
RULE NOT RECD BACK for Respondent(s) : 3 - 5.
MR RJ OZA for Respondent(s) : 4,
MR UI VYAS for Respondent(s) : 4,

MR HEMANT S SHAH for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 30/11/2005

ORAL JUDGMENT

1.The petitioner – Union has filed this petition under Article 226 & 227 of the Constitution of India praying for the direction to the respondent No. 3 – Deputy Commissioner of Labour to initiate prosecution under Section 29 of the Industrial Disputes Act, 1947 for not implementing the settlement dated 16.06.1997. The petitioner has alternatively prayed for permission to the petitioner – Union to initiate prosecution under Section 34 for breach of Section 29 of the Industrial Disputes Act, 1947. The petitioner has also prayed for other consequential directions.

2.Prior to filing of this petition by the petitioner, the respondent No. 1 Company has

made a reference before B.I.F.R. Mr. Dharmesh V. Shah, learned advocate appearing for the respondent No. 1 Company has drawn the attention of the Court to the affidavit-in-reply filed on behalf of respondent No. 1 Company on 18.10.2005. It is stated therein that the reference of respondent No. 1 Company being Case No. 44 of 1996 pending before the B.I.F.R. has been disposed of on 20.07.2005 and the Scheme has been sanctioned by the B.I.F.R. The said Scheme has been ordered to come in force with immediate effect. It is further stated that the Scheme will be implemented by the respondent No. 1 Company. So far as the dues of the employees are concerned, the same are paid by the respondent No. 1 Company. The said fact is also stated in the sanctioned Scheme itself. He has, therefore, submitted that as such, there is no claim of the employees against the respondent No. 1 Company. Hence, the petition has become infructuous and

it is required to be disposed of accordingly.

3.Copy of this affidavit along with the sanctioned Scheme is already given to Mr. R.V. Desai, learned advocate appearing for the petitioners.

4.In view of the aforesaid facts and in view of the sanctioned Scheme of the respondent No. 1 Company by B.I.F.R. and in view of the fact that the dues of the petitioners – workmen have been satisfied, the grievance raised in the present petition no longer survives. The petition has, therefore, become infructuous. It is, however, made clear that if any individual workman has any grievance against the respondent No. 1 Company, it is open for him to raise such dispute and to approach the appropriate forum for ventilating his grievance.

5.Subject to the aforesaid direction and observation, this petition is accordingly disposed of as having become infructuous. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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